

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATE OF AMERICA,

Case No: CR 07-0683 DLJ

Plaintiffs,

ORDER

vs.

MICHAEL NORTON, et al.

Defendant.

On November 20, 2009, the Court heard Defendants' motion for a Bill of Particulars. Doron Weinberg appeared on behalf of Defendant Winslow Norton. Harold Rosenthal appeared on behalf of Defendant Abraham Norton; Jerome Matthews appeared on behalf of Defendant Brian Everett; William Osterhoudt appeared on behalf of Defendant Michael Norton; and, David Hall and William Frentzen appeared on behalf of the Government.

Count 8 of the Indictment Reads as Follows:

Beginning in or about October 2005, and continuing to in or about October 2007, in the Northern District of California, in the County of Alameda, the defendants,

WINSLOW NORTON,
ABRAHAM NORTON,
BRIAN EVERETT, and
MICHAEL NORTON,

did, during and in relation to a drug trafficking crime for which the person may be prosecuted in a court of the United States, as charged in Counts One through Seven, aid and abet the use of and carrying of a firearm, and in furtherance of any such crime, did aid and abet the possession of a firearm, in violation of Title 18, United States Code, Sections 924(c)(1)(A) and 2.

1 At the hearing, the Government confirmed that its prosecution
2 of Count 8 includes the thesis that a person, other than one of
3 the defendants, has committed a violation of 18 USC § 924(c) by
4 the unlawful use or possession of a firearm during and in relation
5 to the charged drug trafficking conduct of Defendants, and that
6 Defendants have aided and abetted such a violation of § 924(c).

7 At the hearing, it was also confirmed that the discovery
8 provided by the Government up to this date, does not provide any
9 information that would identify any particular firearm contended
10 by the Government to be the basis of any § 924(c) violation, nor
11 does it disclose the identity of any person contended by the
12 Government to be a violator of § 924(c) who was aided and abetted
13 by any of Defendants.

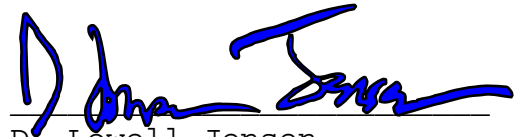
14 Under the circumstances, it appears to the Court that a Bill
15 of Particulars as to Count 8 is necessary in order to permit
16 Defendants to prepare a defense to the charges brought against
17 them in Count 8. It is the order of the Court that the Government
18 prepare and file a Bill of Particulars in this case providing
19 information which identifies:

20 1) Any firearm contended by the Government to be an element
21 of a violation of 18 U.S.C. § 924(c), and

22 2) Any person contended by the Government to have been
23 aided and abetted by any Defendant in a violation of 18 U.S.C. §
24 924(c).

IT IS SO ORDERED.

DATE: November 23, 2009



D. Lowell Jensen

United States District Judge